

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: : Docket #20cv8924
IN RE NEW YORK CITY POLICING :
DURING SUMMER 2020 DEMONSTRATIONS : New York, New York
----- : August 9, 2021
----- : TELEPHONE CONFERENCE

PROCEEDINGS BEFORE
THE HONORABLE GABRIEL W. GORENSTEIN,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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INDEX

E X A M I N A T I O N S

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-Direct</u>	<u>Re-Cross</u>	<u>Court</u>
None					

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
None				
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PROCEEDINGS

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THE CLERK: This is In Re: New York City
Policing During Summer 2020 Demonstrations, 20cv8924.

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Counsel, please state your appearances for the
record, starting with plaintiff.

6

MR. ROB RICKNER: Hello, this is Rob Rickner for
the Sierra plaintiffs. I'll be handling argument today.

8

Good morning, Your Honor.

9

MR. DANIEL LAMBRIGHT: Good morning, Your Honor,
this is Daniel Lambright on behalf of the Payne
plaintiffs.

12

MR. TRAVIS ENGLAND: Good morning, Your Honor,
this is Travis England on behalf of the People.

14

MR. GIDEON OLIVER: Good morning, Your Honor,
Gideon Oliver on behalf of the Sow plaintiffs.

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HONORABLE GABRIEL W. GORENSTEIN (THE COURT): And
for defendants?

18

MS. DARA WEISS: This is Dara Weiss on behalf of
defendants, good morning, Your Honor.

20

THE COURT: Okay, welcome, everyone, we're being
recorded for purposes of preparing a transcript; however,
any other recording of the proceeding is forbidden, as is
any dissemination.

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We're here based on letters dated August 3rd and
August 5th. I have to say, I have never been more confused

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PROCEEDINGS

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2 about what's going on. And just to cut to the chase, is it
3 correct, Ms. Weiss, that you have all the documents sitting
4 there ready to go, ready to be inspected and copied?

5 MS. WEISS: They are in a computer in the Office
6 of the Corporation Counsel ready to be inspected. That is
7 the closed CCRB files and the IAB files that were part of
8 the Department of Investigation files. The open CCRB files
9 which are due for production on the, at the end of this
10 week, are half on a computer at the Office of the
11 Corporation Counsel, they were actually bigger, the files
12 were bigger than the computer could hold so we had to get,
13 and I'm not hugely technologically savvy but it's my
14 understanding that they had to get another drive to
15 transfer the rest of the open files. But hopefully that
16 will be done by tomorrow.

17 So the plaintiffs are welcome to arrange a day
18 and time to come and inspect the files and let us know
19 which they would like copied. There's an enormous amount of
20 information and a great deal of it is duplicative of what
21 they've already got.

22 THE COURT: So I'm not talking about the open
23 files, I'm talking about the ones that were due on the
24 31st, are they ready to be, I gather they're ready to be
25 inspected, are they ready to be --

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PROCEEDINGS

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MS. WEISS: Yeah.

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THE COURT: Okay, what's stopping the plaintiffs
from just saying copy them all?

5

MS. WEISS: We're hoping that they don't want
them all because they've got a majority of them, it's --

7

THE COURT: Why do you care?

8

MS. WEISS: Because it's burdensome to copy them.
Again, it's time consuming, it's costly --

10

THE COURT: I don't understand what the time,
these are not paper files, I assume?

12

MS. WEISS: No, they're not, but it's my
understanding from what I've heard from more
technologically savvy folks in my office, it's taking days
to get them copied, it's not just pop in, you know, a disk
or whatever it is and copy them, it's enormous amounts of
materials. And it's time consuming and it takes person
hours and computer hours, and we're trying to get
depositions scheduled and done and produce documents in
advance of those depositions pursuant to Your Honor's
orders at the last conference we've had, and get those
done. And it's yet another thing that we're hoping to
get down to, to not have to reproduce materials that
have been produced already and letting the plaintiffs
come and see what they actually need and want and tell

1 PROCEEDINGS

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2 us that.

3 THE COURT: Mr. Rickner, do you have any
4 problem with getting all of it?

5 MR. RICKNER: Well, I want all of it. I don't
6 see the --

7 THE COURT: You just answered my question,
8 that's fine.

9 MR. RICKNER: I want all of it.

10 THE COURT: Yes. Ms. Weiss, the objection on
11 burdensomeness is conclusory and makes no sense to me,
12 it's not going to take any attorney time. I don't
13 understand what the expense is. Maybe it takes a few
14 hours or whatever it is of sitting there for it to get
15 copied, but the claim of burden is completely
16 conclusory. So I'm overruling it, you should produce
17 it, a copy to the plaintiffs. If, you know, you want
18 to make them pay for the external drive, that's fine
19 but, you know, unless there is something I'm missing,
20 that's it.

21 Anything else, Ms. Weiss?

22 MS. WEISS: No, Your Honor.

23 THE COURT: Okay. Anything else from
24 plaintiffs?

25 MR. RICKNER: Just one thing, Your Honor.

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PROCEEDINGS

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2 What we would ask is that they simply produce the
3 documents to us rather than going through their data
4 processing system which could be quite lengthy. We
5 will take on the burden of Bates stamping them. All
6 they have to do is take the materials that they have
7 right now, provide it to the Attorney General's Office
8 as soon as possible at 28 Liberty, and then we will
9 handle the rest of the steps that ordinarily go on,
10 because we need these materials yesterday.

11 THE COURT: Yes, no, there should be no delay.
12 Ms. Weiss, any reason? I mean if this isn't going to
13 happen by, you know, two or three days from now, then
14 there is going to be a problem.

15 MS. WEISS: I'm not quite sure what Mr. Rickner
16 means by having him Bates stamp, but we can produce it
17 without Bates stamping it, but I would object to having
18 plaintiffs Bates stamp it. Because we're in the process of
19 Bates stamping other materials and that would certainly
20 interfere with our stamping and I fear that there would be,
21 you know, several documents with the same numbers. If they
22 want to identify documents in some other way, I have no
23 objection to that.

24 THE COURT: Well they can use their own Bates
25 stamp numbering system, none of us can stop them from doing

1 PROCEEDINGS 9

2 that.

3 MS. WEISS: No, they can certainly do as they
4 please with that, as long as it doesn't interfere with the
5 Bates stamping that the defendants have been using.

6 THE COURT: Well I assume the plaintiffs are using
7 a different numbering system or a different
8 identifier, is that right?

9 MR. RICKNER: We can avoid this problem
10 through a simple meet and confer. What's important is
11 we get the date ASAP.

12 THE COURT: Okay. All right, any questions
13 about my ruling, Mr. Rickner?

14 MR. RICKNER: No, Your Honor, thank you.

15 THE COURT: Ms. Weiss, anything?

16 MS. WEISS: No, Your Honor.

17 THE COURT: Okay. Thank you, everyone, good-
18 bye.

19 (Whereupon the matter is adjourned.)

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C E R T I F I C A T E

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I, Carole Ludwig, certify that the foregoing
transcript of proceedings in the United States District
Court, Southern District of New York, In Re: New York
Policing During Summer 2020 Demonstrations, docket
#20cv8924, was prepared using PC-based transcription
software and is a true and accurate record of the
proceedings.

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Signature Carole Ludwig

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Date: August 12, 2021

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